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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,952	04/24/2006	Toru Kawaguchi	P29804	6004
52123 7590 08/03/2009 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				
EXAMINER PEARSON, DAVID J				
ART UNIT 2437		PAPER NUMBER		
NOTIFICATION DATE 08/03/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com

pto@gbpatent.com

### Office Action Summary

**Application No.**

10/576,952

**Applicant(s)**

KAWAGUCHI ET AL.

**Examiner**

DAVID J. PEARSON

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 26-32 and 34-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-32 and 34-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

1. Claims 26-29, 31-32 and 34-35 have been amended. Claim 33 has been canceled. Claims 26-32 and 34-37 have been examined.

***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/01/2009 has been entered.

***Response to Arguments***

3. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.
4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 103***

5. Claims 26-32 and 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nonaka et al. (U.S. Patent Application Publication 2003/0046238;

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hereafter "Nonaka") in further view of Wang (U.S. Patent Application Publication 2002/0191950).

For claim 26, Nonaka teaches a content playback control method that controls playback by decoding encrypted content only when a usage condition is met (note paragraph [0515]), using license information containing a content key and the usage **condition** (note paragraph [0236]), the method comprising **the steps of:**

**Receiving** (note paragraphs [0457]-[0463]) **the license information and playback control information** (note paragraph [0515]).

Nonaka differs from the claimed invention in that they fail to teach:

**Receiving information about a possibility/impossibility of a special playback, and playback control information describing a special section in the encrypted content;**

When the usage condition specifies at least **a** playback based on the playback control information, controlling **the** possibility and impossibility of **the** special playback in **the special section in the encrypted content**, described in the playback control information, according to the **information about the possibility/impossibility of the** special playback.

Wang teaches:

**Receiving** (note paragraphs [0065]-[0070]) **information about a possibility/impossibility of a special playback** (note paragraphs [0033]-[0050] and [0063]), **and playback control information describing a special section in the encrypted content** (note paragraphs [0068]-[0069]);

When the usage condition specifies at least **a playback based on the playback control information, controlling the possibility and impossibility of the special playback in the special section in the encrypted content**, described in the playback control information, according to the **information about the possibility/impossibility of the special playback** (note paragraphs [0026]-[0028] and [0063]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the licensing of Nonaka and the segment playback control of Wang. One of ordinary skill in the art at the time of the invention would have been motivated to combine Nonaka and Wang because it would prevent manual or automated skipping of commercials during video playback, which would otherwise negatively affect TV content providers revenue (note paragraphs [0003] and [0022] of Wang).

For claim 31, the combination of Nonaka and Wang teaches a content distribution server, comprising:

a license information **generator** that generates license information containing a content key and a usage condition (note paragraphs [0290]-[0294] of Nonaka);

**a content storage that stores content** (note paragraph [0300] of Nonaka);

A content **encryptor** that generates encrypted content **by** encrypting the content **stored in the content storage** by the content key (note paragraph [0290] of Nonaka);

**a playback control information generator that generates playback control information describing a special section in the encrypted content and restriction information describing a restriction for a special playback of the special section** (note paragraph [0078] of Wang); and

A **communicator** that transmits the license information generated in the license information **generator** (note paragraphs [0457]-[0463] of Nonaka), the encrypted content generated in the content **encryptor** (note paragraphs [0457]-[0463] of Nonaka), **and the playback control information and the restriction information generated in the playback control information generator** (note paragraphs [0065]-[0070] of Wang),

**Wherein, in the usage condition, the license information generator includes allowing only a playback based on the playback control information describing a special section in the encrypted content and the restriction information describing a playback mode of the special section** (note paragraphs [0026]-[0028] and [0063] of Wang).

For claim 34, the combination of Nonaka and Wang teaches a content playback terminal that controls a playback by decoding encrypted content, only when a usage condition is met, using license information containing a content key and the usage condition, the terminal comprising:

A **receiver** that receives the license information (note paragraphs [0457]-[0463] of Nonaka), **information about a possibility/impossibility of a special playback, and playback control information describing a special section** in the encrypted content (note paragraph [0063] of Wang); and

A playback control information **processor** that, when the usage condition specifies at least a playback based on playback control information, controls **the possibility and impossibility of the special playback in the special section in the encrypted** content described in the playback control information, according to the **information about the possibility/impossibility of** the special playback (note paragraphs [0026]-[0028] and [0063] of Wang).

For claims 27 and 35, the combination of Nonaka and Wang teaches claims 26 and 34, wherein the special playback comprises at least one of forward, **rewind** skip and jump (note paragraph [0026] of Wang).

For claims 28 and 36, the combination of Nonaka and Wang teaches claims 26 and 34, wherein **a** restriction for the special playback is described by a **possibility/impossibility code** (note paragraph [0026] of Wang).

For claims 29 and 37, the combination of Nonaka and Wang teaches claims 26 and 34, wherein a section to which a restriction for the special playback applies is described on a per-segment basis (note paragraphs [0025]-[0026] of Wang).

For claim 30, the combination of Nonaka and Wang teaches claim 26, wherein the license information manages the content key and the usage condition as a pair (note paragraph [0236] of Nonaka).

For claim 32, the combination of Nonaka and Wang teaches claim 31, wherein the **communicator** transmits the license information as a pair of the content key and the usage condition (note paragraph [0457] of Nonaka).

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID J. PEARSON whose telephone number is (571)272-0711. The examiner can normally be reached on Monday - Friday, 7:30am - 5:00pm; off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone



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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David J Pearson/  
Examiner, Art Unit 2437